



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FORM FOR FILING CONTINUING APPLICATION  
UNDER 37 C.F.R. § 1.53(b)Attorney Docket Number: **47382.000111**  
Anticipated Classification Of This Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_Prior Application: 09/521,858(47382.000016)  
Examiner: Unassigned  
Art Unit: \_\_\_\_\_Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional  
application under 37 C.F.R. § 1.53(b) of prior Re-Issue Application Serial No. 09/521,858, filed on March 9, 2000,  
UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES) FOR MOTOR VEHICLES by the  
following named inventors:

Jay PETERSON  
David R. NELSON  
Troy P. BAHAN  
George C. POLCHIN  
Michael D. JACK

1. ☒ Enclosed is a true copy of the prior complete application as originally filed.
2. ☒ Preliminary Amendment is enclosed.
3. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. At least one original independent claim is retained complete the prior application introduced new matter therein.
4. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as mentioned at 1, 2 and 3 above.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
	41	21	x \$ 18.00 =	\$ 378.00
TOTAL CLAIMS				
	7	4	x \$ 80.00 =	\$320.00
INDEPENDENT CLAIMS				
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			x \$	\$ 0.00
BASIC FEE				+ \$ 710.00
TOTAL OF ABOVE CALCULATIONS=				+ \$ 1,408.00
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (Note 37 C.F.R. 1.9, 1.27, 1.28). IF APPLICABLE, VERIFIED STATEMENT MUST BE ATTACHED.				- \$ 0.00
TOTAL =				\$ 1,408.00

5. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0206.
6. ☒ A check in the amount of **\$1,408.00** is enclosed to cover the fee for filing this continuation application. In the event any variance exists between the amount enclosed and the Patent Office charges, please credit or charge any different to Deposit Account No. 50-0206.

7. [..] Amend the specification by inserting before the first line the sentence:
8. [ ] A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27  
[ ] is enclosed.  
[ ] was filed in prior application Serial No. \_\_\_\_\_ and such status is still proper and desired (37 C.F.R. § 1.28(a)).
9. [ ] Priority of foreign Application Nos. \_\_\_\_\_, filed on \_\_\_\_\_, is claimed under 35 U.S.C. § 119.  
[ ] A certified copy of each was filed in prior Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
10. [ ] New formal drawings are enclosed.
11. [ ] The prior application is assigned of record to \_\_\_\_\_.
12. [X] The power of attorney in the prior application is to Hunton & Williams.
- a. [ ] The power of attorney appears in the original papers in the prior application.
  - b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c. [ ] Recognize as Associate Attorneys:
  - d. [ ] Please remove as power of attorney:
  - e. [X] Unexecuted Declaration and Power of Attorney

13. [X] Also enclosed:

An INFORMATION DISCLOSURE STATEMENT. Attached are Forms PTO-1449 listing all of the documents cited by Applicants and the PTO in the parent application(s) relied upon 35 U.S.C. 120. Per Rule 98(d) copies of those documents are not required now. Please consider these documents and advise that they have been considered in this new application by returning a copy of the enclosed Forms PTO-1449 with the Examiner's initials in the left column per M.P.E.P. 609.

Reissue Application by the Assignee, Offer to Surrender Patent

Request for Transfer of Original Drawings

14. [X] Address all future communications to:

James G. Gatto, Esq.  
Hunton & Williams  
1900 K Street, N.W.  
Washington, D.C. 20006-1109

The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the applications or any patent issuing thereon.

Dated: November 9, 2000

By: \_\_\_\_\_

Devin S. Morgan  
Registration No. 45,562

LAW OFFICES  
HUNTON & WILLIAMS  
1900 K STREET, N.W.  
WASHINGTON, D.C. 20006-1109  
(202) 955-1500



### Return When Serial Number is Assigned

Please return this card, indicating receipt date and Serial No., if applicable, of the following

#### BOX PATENT

CONTINUATION OF 09/521,858, FILED 3/9/00

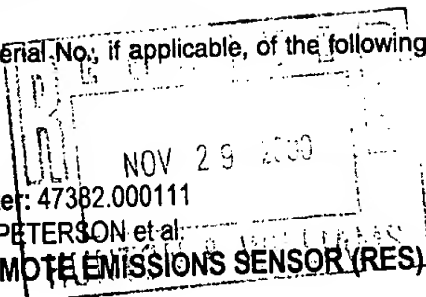
Client: Envirotec Systems

Client/Matter: 47382.000111

Atty: DSM:dmo

Inventor: PETERSON et al.

Title: **UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES)**  
**FOR MOTOR VEHICLES**



The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon,:

- (1) Continuation Application Copy of re-issue application as filed
  - (2) COPY of Preliminary Amendment, Request for Transfer of Original Drawings, IDS as originally filed
  - (3) COPY of PTO FORM 1449 as originally filed
  - (4) COPY of Statement and Power of Attorney as originally filed
  - (5) Unexecuted Declaration and Power of Attorney
  - (6) COPY of Reissue application by the Assignee, Offer to Surrender Patent
  - (7) Petition for Extension of Time, 4 months
  - (8) COPY of Notice to File Missing Parts of Reissue Application
  - (9) Check for \$1,408.00
  - (10) Check for 1,390.00
- DATE: November 9, 2000

Jc921 U.S. PTO

09/708713



11/09/00

**DOCKETED**

SW.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Patent Application of : ) Attorney Docket No.: 23439-016-401  
)  
Jay PETERSON *et al.* ) Group Art Unit: Unknown  
)  
Serial No.: 09/708,713 ) **Confirmation No. 8439**  
)  
Filed: November 9, 2000 ) Examiner: Unassigned  
)  
For: UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSORS (RES) FOR  
MOTOR VEHICLES

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION  
AND PETITION TO GRANT A FILING DATE**

**Attention: Box Reissue**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with instructions received from Mr. Rick Hayes, of the PTO Initial Patent Examination Division on October 11, 2001, and responsive to the attached "Notice of Incomplete Nonprovisional Application" ("Notice") mailed April 10, 2001, Applicants respectfully submit that this "Notice" was sent in error, and respectfully request the filing date of November 9, 2000 be granted.

**PETITION TO GRANT A FILING DATE**

As evidenced by the attached copy of the PTO-stamped postcard, Applicants submit that a complete copy of the specification of the patent was provided to the PTO on November 9, 2000, along with the itemized papers associated with the continuation

10/15/2001 MBELETE1 00000003 09708713

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RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL  
APPLICATION AND PETITION TO GRANT A FILING DATE  
Attorney Docket No. 23439-016-401  
U.S. Patent Application Serial No. 09/708,713

application filed therewith. Thus, Applicants believe that the continuation application, as filed, in accordance with 37 C.F.R. §§1.53(b) and 1.173, was complete.

However, in an effort to expedite examination of the above-captioned reissue application, Applicants enclose a copy of all papers filed on November 9, 2000 (associated with the filing of the continuation application), and hereby Petition the Commissioner to grant Applicants' filing date of November 9, 2000. A check in the amount of \$130.00 to cover the Petition fee under §1.17(i) is enclosed.

However, Applicants respectfully request a refund of the Petition fee as per MPEP §506.02 because the November 9, 2000 filing was completed without defect.

Additionally, the Notice asserts that an additional fee of \$80.00 is further owed by Applicants for an additional independent claim. Applicants respectfully submit that seven (7) independent claims were submitted in the Preliminary Amendment concurrently filed with the continuation application on November 9, 2000, *i.e.*, independent claims 1, 13, 18, 22, 24, 25 and 38. Applicants have paid the appropriate fee for 4 excess independent claims, and thus submit that no other fee is owed.

Turning to the requirement for a newly executed Declaration by the inventors, Applicants will be filing a Response, Petition for Extension of Time (of 5 months) and a Petition Under 37 C.F.R. §1.47(b) shortly.

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL  
APPLICATION AND PETITION TO GRANT A FILING DATE  
Attorney Docket No. 23439-016-401  
U.S. Patent Application Serial No. 09/708,713

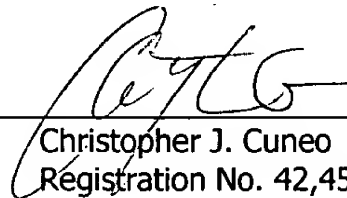
In the event any variance exists between the amount enclosed and the PTO  
charges, please charge or credit any difference to Deposit Account No. 50-0311.

Respectfully submitted,

**MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, PC**

Date: October 12, 2001

By: \_\_\_\_\_

  
Christopher J. Cuneo  
Registration No. 42,450

Mintz Levin Cohn Ferris Glovsky and Popeo, PC  
11911 Freedom Drive, Suite 400  
Reston, VA 20190  
Telephone (703) 464-4800  
Facsimile (703) 464-4895



<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) 47382.000016
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s): Peterson, et al.		
Patent Number 5,726,450	Date Patent Issued March 10, 1998	
Title of Invention <u>Unmanned Integrated Optical Remote Emissions Sensor (RES)</u> <u>for Motor Vehicles</u>		
<u>Envirotest Systems Corp.</u> the assignee of the entire interest in the original patent.  I offer to surrender the original patent.  <input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.  I am authorized to act on behalf of the assignee.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.		
Name of assignee Envirotest Systems Corp.		
Signature of person signing for assignee <i>Kevin J. Dunleavy</i>		Date 3/9/00
Typed or printed name and title of person signing for assignee Kevin J. Dunleavy, Attorney of Record		

**BOX PATENT**

**CONTINUATION OF 09/521,858, FILED 3/9/00**

**Client:** Envirotest Systems

**Client/Matter:** 47382.000111

**Atty:** DSM:dmo

**Inventor:** PETERSON et al.

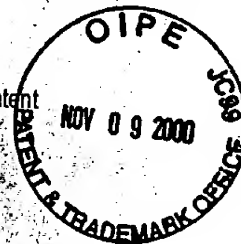
**Title:** **UNMANNED INTEGRATED OPTICAL REMOTE EMISSIONS SENSOR (RES)  
FOR MOTOR VEHICLES**

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon,:


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- (2) COPY of Preliminary Amendment, Request for Transfer of Original Drawings, IDS as originally filed
- (3) COPY of PTO FORM 1449 as originally filed
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- (5) Unexecuted Declaration and Power of Attorney
- (6) COPY of Reissue application by the Assignee, Offer to Surrender Patent
- (7) Petition for Extension of Time, 4 months
- (8) COPY of Notice to File Missing Parts of Reissue Application
- (9) Check for \$1,408.00
- (10) Check for 1,390.00

**DATE:** November 9, 2000

**DOCKETED**





FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.: 47382.000016	SERIAL NO.:
<div style="text-align: center;">  </div> <div style="text-align: center; margin-top: 10px;"> <b>LIST OF MATERIALS CITED BY APPLICANT</b>            (Use several sheets if necessary)         </div>		INVENTOR'S NAME: Peterson et al.	EXAMINER:
		FILING DATE:	GROUP:

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	4	6	3	2	5	6	3	12/30/86	Lord III			
	B	4	6	7	8	9	1	4	07/07/87	Melsrose et al.			
	C	4	7	4	6	2	1	8	05/24/88	Lord III			
	D												
	E												
	F												
	G												
	H												
	I												
	J												
	K												

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
													YES	NO
	L													
	M													

## OTHER MATERIALS (Including Author, Title, Date, Pertinent Pages, Etc.)

N	"Remote Sensing Enhanced Motor Vehicle Emissions Control for Pollution Reduction in the Chicago Metropolitan Area: Sitting and Issue Analysis", IL Dept. of Energy and Natural Resources, ILENR/RE-AQ-91/15 October 1991
O	Bishop, Gary A. and Donald H. Stedman, "Oxygenated Fuels, A Remote Sensing Evaluation", SAE Technical Paper Series May 1989
P	Bishop, Gary A., et al. "IR Long-Path Photometry: A Remote Sensing Tool for Automobile Emissions", American Chemical Society May 1989

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**FORMALITIES LETTER**



\*OC00000005105279\*



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/521,858	03/09/2000	Jay Peterson	47382.000016

Kevin J Dunleavy  
Hunton & Williams  
1900 K Street NW  
Washington, DC 20006-1109

Date Mailed: 05/09/2000



**NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION**

***Filing Date Granted***

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130

***A copy of this notice MUST be returned with the reply.***

*D. Bates*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/708,713	11/09/2000	Jay Peterson	47382.000111

CONFIRMATION NO. 8439

## FORMALITIES LETTER



\*OC000000005955322\*

James G Gatto Esq  
Hunton & Williams  
1900 K Street NW  
Washington, DC 20006-1109

Date Mailed: 04/10/2001

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.  
*A complete specification as prescribed by 35 U.S.C. 112 is required.*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$80.
  - \$80 for 5 independent claims over 3.
- The oath or declaration is unsigned.
- The balance due by applicant is \$ 80.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY